

**REMARKS**

The Office Action rejects claim 9 under 35 U.S.C. § 103 as obvious over Vialen et al. ("Vialen") in view of Bartholomew et al. ("Bartholomew"). Claims 10-16 have been rejected under 35 U.S.C. § 103 as obvious over Vialen in view of Bartholomew and Jonsson.

Claims 9-16 are now in the application. Claims 9, 10, 13 and 16 have been amended. No claims have been added.

Reconsideration of the rejections of claims 9-16 and allowance of the same is respectfully requested.

Claim 9 has been rejected under 35 U.S.C. § 103 as obvious over Vialen in view of Bartholomew. The Examiner's rejection is respectfully traversed.

Claim 9 includes the preamble and the body of the claim. Although the Examiner identifies Vialen as teaching the preamble, the Examiner concedes that Vialen does not teach any of the limitations from the body of claim 9. (See page 2 of the Office Action at the last full paragraph.) Applicants cannot fathom how a prior art patent that does not teach any of the limitations found in the body of a claim can be considered a primary reference in an obviousness rejection.

Indeed, the Vialen reference does not even disclose a fixed network and a moveable network as recited in the preamble of claim 9. The Examiner has identified elements 100 and 102 of Vialen as corresponding to those preamble elements. As set forth in column 3, lines 37-41, element 100 is a fixed network, whereas element 102 is a fixed terminal. A terminal is not a network.<sup>1</sup>

The Examiner's citation to Bartholomew does not provide what is lacking from Vialen. Claim 9 recites "wherein said suspending forwarding incoming calls does not disconnect a call in

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<sup>1</sup> See, e.g., Microsoft Press Computer Dictionary defining network as "A group of computers and associated devices that are connected by communications facilities." This dictionary definition is exemplary only and is not intended to alter the scope of the claims as may otherwise be consistent with the ordinary meaning of "network."

progress between the user and the fixed network.” The Examiner has not identified any corresponding disclosure of this element in Bartholomew. Clearly the Examiner infers that this is the case, but such an inherency argument fails absent a showing that the inherent feature must be present, as opposed to may be present. Speculation and possibilities are insufficient to meet this standard.

In addition, claim 9 has been amended to recite that fixed network is a cellular network. Bartholomew is directed to providing users with cards that can be plugged into terminals so that incoming calls will be direct proximate to the terminals. Such a system has no practical application with a cellular system, in which the user always has his phone. At best, Bartholomew can be viewed as an alternative to a cellular system, but does not suggest modification of a cellular system.

Accordingly, claim 9 is patentably distinct over the applied art. Withdrawal of the rejection and allowance of the same is therefore respectfully requested.

Claims 10-12, which depend from claim 9, have been rejected under 35 U.S.C. § 103 as obvious over Vialen in view of Bartholomew and Jonsson. Jonsson does not provide the teachings or suggestions lack from the above noted primary and secondary reference, such that dependent claims 10-12 are patentably distinct over the asserted combination on this basis alone.

In addition, the dependent claims have various features which are not shown in the applied art. Although the Examiner cites to various portions of Jonsson for the teachings, in many cases the cited portions do not teach what the Examiner states, and/or the teaching can only be inferred as a possibility. Thus, claim 10 recites “registering routing information for a telecommunications device associated with the user aboard the vehicle.” The Examiner cites to col. 7 lines 35-57 for the alleged teaching of “registration information for a telecommunication device”, but such disclosure does not teach or suggest that the telecommunications device is associated with the user aboard the vehicle as recited in claim 10. Claim 11 recites “setting a status of the user’s cellular

telephone to busy regardless of the actual operating state of the user's cellular telephone." The Examiner cited to column 8, lines 27-34 of Jonsson for such teaching, but Applicant can find no such teaching (a feature of "call waiting on busy" has no relation to setting a state of the cell phone as busy regardless of the actual state of the phone.) Claim 12 recites de-registering, which is not expressly disclosed any which is only a possibility in Jonsson.

Applicants also note that the Examiner has not put forth any recognizable suggestion for the combination of references. As set forth in the last paragraph at page 4 of the Office Action, the Examiner identifies the suggestion for combination as "so it can know where both the users when it accessed different network." There are clearly missing and/or incorrect words in this sentence which preclude Applicants from making meaningful responsive argument. It is also unclear what "it" refers to.

Thus, for these additional reasons, claims 10-12 are patentably distinct over the applied art. Withdrawal of the rejection and allowance of the same is therefore requested.

Claims 13-15 have been rejected under 35 U.S.C. § 103 as obvious over Vialen in view of Bartholomew and Jonsson. Claims 13-15 have the same limitation which distinguished claims 9, 11, and 12 over the prior art, respectively. For at least those reasons, claims 13-15 are likewise patentably distinct over the applied art. Withdrawal of the rejection of these claims and allowance of the same is respectfully requested.

Claim 16 has been rejected under 35 U.S.C. § 103 as obvious over Vialen in view of Bartholomew and Jonsson. The Examiner's rejection is respectfully traversed.

Although the rejection purports to be a combination of three references (Vialen, Bartholomew and Jonsson), the Examiner's analysis is directed only to the teachings of Bartholomew. It is unclear as to whether the rejection is one of anticipation or obviousness. It is

also unclear as to what role the Vialen and Jonsson references play in the rejection. Absent such specificity, Applicants cannot meaningfully respond to the rejection.

To the extent that any comments can be made, the failings of Bartholomew have been set out above. Further, claim 16 recites a moveable network, to which the Examiner has improperly equated with a fixed central office ("the remote CO").

Accordingly, claim 16 is patentably distinct over the applied art. Withdrawal of the rejection of claim 16 and allowance of the same are respectfully requested.

In view of the foregoing, the application is now believed to be in proper form for allowance, and a notice to that effect is earnestly solicited.

Please note that any amendments to the claims which have been made in this amendment, that have not been specifically noted to overcome a rejection based upon the prior art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

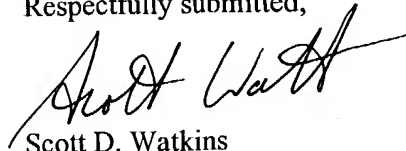
If the Examiner believes that a telephone conference would be of value, she is requested to call the undersigned attorney at the number listed below.

PATENT APPLICATION  
Attorney Docket: 11696.0054

The Commissioner is hereby authorized to charge/credit any fee deficiencies/overpayments  
to Deposit Account No. 19-4293.

Date: December 9, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Watkins", written over the printed name.

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